

**United States Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy
for the Pot Creek Greater Sage-Grouse Habitat Improvement
Project II**

Little Snake Field Office
455 Emerson Street
Craig, Colorado

DOI-BLM-CO-N010-2013-0055-DNA

June 2013



CHAPTER 1 – INTRODUCTION

1.1 IDENTIFYING INFORMATION

PROJECT NAME: Pot Creek Greater Sage-Grouse Habitat Improvement Project II

CASEFILE/ALLOTMENT NUMBER: N/A

1.2 PROJECT LOCATION AND LEGAL DESCRIPTION

LEGAL DESCRIPTION: T.8 N., R.103 W., sec. 8, 16, 17, 18, 20, 21, 28 and 29

1.3 PLAN CONFORMANCE REVIEW

The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Little Snake Record of Decision and Resource Management Plan (RMP)

Date Approved: October 2011

Decision Language: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

2.6 Special Status Species

Goal C: Identify and initiate restoration and rehabilitation of sagebrush habitat while maintaining a mosaic of canopy cover and seral stages.

Objective: Reduce the encroachment of juniper and other large woody species onto sagebrush habitat.

Section/Page: 2.6 Special Status Species, RMP-23.

1.4 IDENTIFICATION OF EXISTING NEPA DOCUMENTS

Applicable NEPA documents and other related documents that cover the proposed action.

Federal Land Policy and Management Act, Section 402 as amended (43 USC 1752).

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

Sage-Grouse Habitat Restoration Project, CO-100-LS-05-040

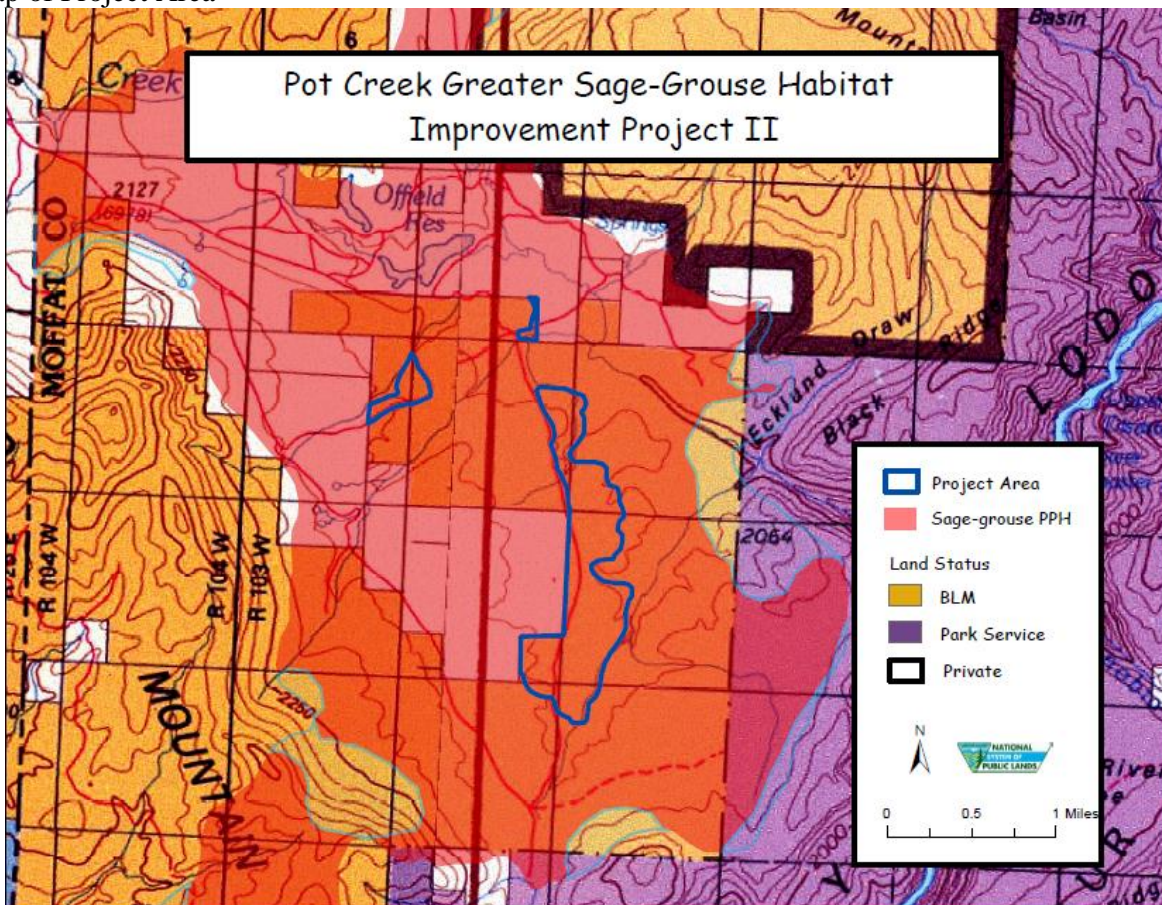
Pot Creek Greater Sage-Grouse Habitat Improvement Project, DOI-BLM-CO-N010-2012-0087-DNA

CHAPTER 2 – PROPOSED ACTION

2.1 DESCRIPTION OF PROPOSED ACTION

The Proposed Action is a joint project between Colorado Parks and Wildlife (CPW) and the BLM, Little Snake Field Office. The Proposed Action is to selectively remove pinyon pine and juniper trees that are encroaching into sagebrush habitat on BLM-managed lands west of the Green River, near Pot Creek (see map below). The purpose of this project is to enhance habitat conditions for greater sage-grouse (GRSG). GRSG are believed to avoid areas where conifer trees are encroaching into otherwise suitable sagebrush habitats due to unsuitable structural habitat characteristics and increased vulnerability to predation by raptors utilizing young conifers as hunting perches. The Colorado Greater Sage-grouse Conservation Plan identifies pinyon-juniper encroachment as one potential issue affecting sage-grouse populations in Colorado, and suggests that the western portion of Moffat County contains the largest extent of conifer encroachment affecting GRSG in the state.

Map of Project Area



The proposed project area encompasses 350 acres and falls entirely within Preliminary Priority Habitat (PPH) for GRSG. The boundary of the proposed project area is defined by a combination of existing roads and BLM-private land interface. Within the proposed project area, pinyon pine and juniper trees will be selectively removed only in areas that meet BOTH of the following criteria:

- <20% slope
- within soil types where sagebrush-dominated shrublands are the “potential native vegetation” as defined by the *Soil Survey of Moffat County Area, Colorado*

It is estimated that 80 to 90% of the overall proposed project area will meet these criteria. Within targeted treatment areas, trees will be hand felled by contractors on foot using chainsaws. Vehicle travel will be restricted to existing roads and trails. Because of the low level of overall tree density within the proposed project area, using hand crews to individually fell trees is the preferred method of treatment. While stand density has not been quantified, most of the proposed project area is estimated to have <5 standing trees per acres, with the majority of trees targeted for treatment being younger age-class trees <12 feet in height. Trees will be felled, limbed, and bucked such that residual slash height sits at or below the prevailing sagebrush shrub height in the immediate vicinity of the treated tree or 24 inches, whichever is higher. Both live trees AND standing dead trees will be treated.

CHAPTER 3 – REVIEW OF EXISTING ENVIRONMENTAL DOCUMENTS

3.1 NEPA Adequacy Criteria

3.1.1 Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document? Yes. The current proposed action is part of the proposed actions in the previously approved Environmental Assessment Record, Little Snake Field Office, Sage Grouse Habitat Restoration Project, CO-100-LS-05-040.

3.1.2 Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values? Yes. The Environmental Assessment Record, Little Snake Field Office, Sage Grouse Habitat Restoration Project, CO-100-LS-05-040 analyzed the environmental impacts of the Proposed Action. The proposed action in this DNA is a part of the listed activities covered in this EA. The current environmental concerns, interests, and resource values are essentially the same as those in 2005.

3.1.3 Is the existing analysis valid in light of any new information or circumstances? Yes. The proposed action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

Subject to WO-IM 2011-154 and in accordance with BLM policy, the proposed project area was evaluated for suitability as lands with wilderness characteristics and did not

meet the criteria for an area greater than 5,000 acres. Therefore, the proposed action would not affect lands with wilderness characteristics.

3.1.4 Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action? Yes. The Environmental Assessment Record, Little Snake Field Office, Sage Grouse Habitat Restoration Project, CO-100-LS-05-040 methodology and analytical approach are appropriate to this proposed action.

3.1.5 Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action? Yes. Direct and indirect impacts of the Proposed Action are unchanged from those identified in the existing NEPA documents. The Environmental Assessment Record, Little Snake Field Office, Sage Grouse Habitat Restoration Project, CO-100-LS-05-040 analyzed the direct, indirect, and site-specific impacts of the area covered under this present proposed action.

3.1.6 Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)? Yes. The cumulative impacts that would result from the implementation of the Proposed Action would remain unchanged from those identified in the existing Environmental Assessment Record, Little Snake Field Office, Sage Grouse Habitat Restoration Project, CO-100-LS-05-040. No additional activities have been implemented on either that would change the impacts resulting from the Proposed Action.

3.1.7 Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes. Extensive public outreach through scoping and involvement of the public and other agencies occurred during the development of the EA.

3.2 Interdisciplinary Review

Title	Resource	Date
Ecologist	Air Quality, Floodplains, Soils, Special Status Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	ES 6/3/13
Archaeologist	Cultural Resources, Native American Concerns	KR 6/17/13
Realty Specialist	Environmental Justice	LM 6/4/13
Project Lead	Hazardous Materials	DA 6/3/13
Rangeland Management Spec.	Invasive Non-native Species	CR 6/4/13
Rangeland Management Spec.	Sensitive Plants, T&E Plant	AH 6/7/2013
Wildlife Biologist	T&E Animal	DA 6/3/13
Geologist	Water Quality - Ground	TW 6/3/13
Recreation Specialist	WSA, W&S Rivers, LWCs, ACECs	GMR 6/3/13
Wildlife Biologist	Animal Communities	DA 6/3/13
Wildlife Biologist	Special Status, T&E Animal	DA 6/6/13
Rangeland Management Spec	Plant Communities	JHS 6/13/13
Rangeland Management Spec	Special Status, T&E Plant	AH 6/7/2013
Ecologist	Riparian Systems	ES 6/3/13
Ecologist	Water Quality	ES 6/3/13
Ecologist	Upland Soils	ES 6/3/13

3.3 Land Health Assessment

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. This action will not adversely affect achievement of the Public Land Health Standards.

3.4 Cultural Resources

The BLM's approval and/or implementation of GRS habitat improvement projects are considered undertakings subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. Section 106 of NHPA requires federal agencies to: 1) inventory cultural resources within federal undertaking Areas of Potential Effect (APEs), 2) evaluate the significance of cultural resources by determining National Register of Historic Places (National Register) eligibility and, 3) consult with applicable federal, state, and tribal entities regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate potential impacts to eligible sites.

In Colorado, the BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) among the BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have "no effect" or "no adverse effect" by the BLM-LSFO archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have "adverse effects," project-specific consultation is then initiated with the SHPO.

The culture history of northwestern Colorado is presented among several recent context studies. Reed and Metcalf's (1999) study of the Northern Colorado River Basin provides applicable prehistoric and historic overviews as compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context also was prepared for the State of Colorado by Church and others (2007). Furthermore, significant cultural resources administered by the BLM-LSFO are provided in a Class 1 overview (McDonald and Metcalf 2006), in addition to valuable contextual data provided by synthesis reports of archaeological investigations conducted for a series of large pipeline projects in the BLM-LSFO management area (Metcalf and Reed 2011; Rhode and others 2010; Reed and Metcalf 2009).

A Class 1 cultural resources assessment of the proposed treatment area was conducted by BLM-LSFO archaeologist Kim Ryan on June 13, 2013. Data reviewed were obtained from BLM-LSFO cultural program project files, site reports, and atlases, in addition to BLM-maintained General Land Office (GLO) plats and patent records. Electronic files also were reviewed through online cultural resource databases including *Compass* (maintained by the Colorado Office of Archaeology and Historic Preservation) and the National Register Information System (NRIS; maintained by the National Park Service). Online satellite/aerial imagery was inspected to determine the potential for extant historic-age structures and/or buildings within the APE.

Data reviewed show no prior cultural resource investigations and one prehistoric archaeological site (5MF.275) within the APE. Satellite imagery also depicts two earthen-berm stock ponds within the project area, however, historic-age GLO plats (dated 1882 and 1912) show no

evidence of these constructed features. Despite the presence of a significant archaeological site—and that additional, undocumented cultural resources are likely present within the APE—the proposed undertaking poses no potential to affect historic properties because work will be limited to hand cutting as targeted for younger age-class trees. Likewise, vehicular travel will be restricted to existing roads and two-tracks with pedestrian access throughout the treatment area.

As such, the proposed action may proceed with an effect determination of “*no historic properties affected*.” The standard discovery stipulations apply (see below).

Environmental Consequences, Proposed Action: As proposed, the removal of younger age-class pinyon-pine and juniper trees will have no effect on cultural resources within the APE. The cumulative effects to cultural resources as a result of the proposed undertaking are minimal. Vegetative communities have naturally oscillated over thousands of years and are a component of site formation processes (Binford 2001; Schiffer 1987). For the short term, the removal of trees could increase the visibility of cultural materials, thereby potentially subjecting artifacts and/or archaeological sites to illegal collection. Short-term increased erosion also could cause inadvertent impacts to cultural resources. However, the proposed action does not present the potential for additional impacts to cultural resources beyond that of natural erosional causes.

Mitigative Measures, Proposed Action: None. However, should alternative activities such as mechanical removal, ground disturbance, and/or vegetative burning be considered or become necessary to fulfill the project purpose, additional cultural resources investigations would be required including, but not limited to, Class 3 survey and field assessment.

The following Standard Discovery Stipulations apply:

1. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer (AO). Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
2. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the AO at (970) 826-5000. Within five working days, the AO will inform the operator as to:
 - Whether the materials appear eligible for the National Register of Historic Places;

- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
 - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
3. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

References

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1982 *An Isolated Empire: A History of Northwest Colorado*. Cultural Resource Series No. 2, Second Edition. Colorado Bureau of Land Management, Denver.

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1984 *Plateau Country Historic Context*. Office of Archaeology and Historic Preservation, Colorado State Historic Preservation Office, Denver.

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- Schiffer, Michael B.
- 1987 *Formation Processes of the Archaeological Record*. University of New Mexico Press, Albuquerque.

3.5 Native American Religious Concerns

Four Native American tribes have cultural and historical ties to lands administered by the BLM-LSFO. These tribes include the Eastern Shoshone, Ute Mountain Ute, Uinta and Ouray Agency Ute, and the Southern Ute.

American Indian religious concerns are legislatively considered under several acts and Executive Orders including the American Indian Religious Freedom Act, the Native American Graves Environmental Assessment Protection and Repatriation Act, and Executive Order 13007 (Indian Sacred Sites). In sum, and in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act, these acts and orders require the federal government to carefully and proactively consider the traditional and religious values of Native American culture and lifeways to ensure, to the greatest degree possible, that access to sacred sites, treatment of human remains, the possession of sacred items, conduct of traditional religious practices, and the preservation of important cultural properties are not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources.” Likewise, elements of the landscape without archaeological or human material remains also may be involved. Identification of Native American concerns is normally completed during land-use planning efforts, reference to existing studies, or through direct consultation with tribes.

Consultation for the type of proposed undertaking is consulted on annually with the aforementioned tribes. Letters were sent to the tribes in the spring of 2012 describing general wildlife improvement projects. No comments were received. Project-specific consultation is generally not conducted unless a project is proposed within a previously identified area of tribal concern or may involve culturally significant items, sites and/or landscapes.

Environmental Consequences, Proposed Action: Items, sites, or landscapes determined as culturally significant to the tribes can be directly or indirectly impacted. Direct impacts may

include, but are not limited to, physical damage, removal of objects or items, and activities construed as disrespectful (e.g., installation of portable toilets near a sacred site). Indirect impacts may include, but are not limited to, prevention of access (hindering the performance of traditional ceremonies and rituals), increased visitation of an area, and potential loss of integrity related to religious feelings and associations.

The cumulative effects to Native American religious concerns for wildlife improvement projects are minimal. Vegetative communities have naturally oscillated over hundreds of years. In the short term, the removal of invasive trees may increase the visibility of previously unknown items, sites, or landscapes that are culturally significant to the tribes. Erosion also may increase in the short term, potentially resulting in inadvertent impacts to items, sites, or landscapes. In the long term, the proposed undertaking will have no cumulative effects to Native American religious concerns.

There are no known items, sites, or landscapes determined as culturally significant to the tribes within or adjacent to the APE. The proposed action does not prevent access to any known sacred sites, prevent the possession of sacred objects, or interfere with the performance of traditional ceremonies and/or rituals.

Mitigation Measures, Proposed Action: There are no known adverse impacts to any culturally significant items, sites, or landscapes. If new information is provided by consulting tribes, additional or edited terms and conditions for mitigation may be required to protect resource values.

CHAPTER 4 – CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist _____ Date _____

Signature of NEPA Coordinator _____ Date _____

Signature of the Authorizing Official /s/ Wendy Reynolds _____ Date 7/15/13
Wendy Reynolds, Field Manager

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.